

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-3 and 5-8 remain pending, wherein claims 1-3 are amended.

Claims 1-3 and 5-8 are rejected for obviousness in view of the combination of U.S. Patent No. 6,621,528 to Kessler et al. ("Kessler"), U.S. Patent No. 7,061,542 to Ikeguchi ("Ikeguchi") and U.S. Patent No. 6,483,547 to Eyer ("Eyer"). This ground of rejection is respectfully traversed.

The combination of Kessler, Ikeguchi and Eyer does not render claim 1 obvious because the combination does not disclose or suggest the first, second and third channel selection techniques recited in this claim.

Kessler discloses a channel control technique for digital television in which a database is built using an auto programming process. Once the auto programming process is complete, the database is used for channel selection. When a selected channel is not in the database, the channel selection fails.

The Office Action relies upon Kessler for the disclosure of the second technique recited in claim 1. As recited in claim 1, this technique is invoked wherein when trying to select a channel based on a channel upward/downward changing instruction received from the input device and when there is channel

information of a current physical channel in the memory. This technique involves referencing a *VCT in the current physical channel* to select a sub-channel in the physical channel. In contrast, in Kessler when there is channel information in memory, the *database is employed for channel selection*. Kessler does not disclose or suggest that the information stored in the database should be ignored and instead that the information in the broadcasted VCT signal should be used for channel selection. Thus, because Kessler discloses using the database and not information carried in the physical channel, Kessler does not disclose or suggest the second technique. Ikeguchi and Eyer do not remedy this deficiency of Kessler.

The Office Action relies upon Ikeguchi for the disclosure of the first and third techniques recited in claim 1. The first technique is employed when there is no channel information in memory and the third technique is employed when there is some channel information in memory. Ikeguchi discloses a technique for selecting an analog channel when a digital channel broadcasting the same content cannot be received. Ikeguchi discloses three different embodiments, a first embodiment that employs a channel map built with information extracted from received signals, second and third techniques that employ a channel map using information that is entered at the factory. It appears that all three techniques of Ikeguchi employ the channel map for selecting the digital and analog channels.

Specifically, regarding the first technique, Ikeguchi discloses that the “control microcomputer 112 reads out channel frequency data in analog broadcasting in which the same program as that in digital broadcasting which is being currently received is being broadcast from the channel map data storage device 201.”¹ Regarding the third technique, Ikeguchi discloses that “control microcomputer 112 reads out channel frequency data in analog broadcasting in which the same program as that in digital broadcasting which is being currently received is being broadcast from the channel map data storage device 201.”² Because Ikeguchi discloses channel selection techniques that rely upon information stored in a channel map memory, Ikeguchi does not disclose or suggest the first technique of Applicant’s claim 1 which is premised upon there being no channel information in memory.

Applicant’s third technique is premised upon (i) receipt of a channel upward/downward changing instruction received from an input device; (ii) there being channel information for some physical channels in the memory; and (iii) a channel to which the current channel is upward/downward changed by the second technique goes out of the current physical channel range. As discussed above, the Office Action relies upon Kessler for the disclosure of the second technique and Ikeguchi for the disclosure of the third technique. Invocation of the third technique, however, is premised on the second technique. Thus, there

¹ Column 5, lines 55-59.

must be some disclosure or suggestion in Kessler or Ikeguchi of a relationship between the two techniques. As discussed above, however, Kessler does not disclose or suggest the second technique. Furthermore, it is respectfully submitted that Ikeguchi does not disclose or suggest the second technique. Thus, even if one of ordinary skill in the art were motivated to combine Kessler and Ikeguchi, such a combination would not disclose or suggest the third technique.

Eyer is cited for the disclosure of the VCT, but does not remedy the above-identified deficiencies of the combination of Kessler and Ikeguchi. Thus, because the combination of Kessler, Ikeguchi and Eyer does not disclose or suggest the first, second and third techniques recited in Applicant's claim 1, this combination cannot render claim 1 obvious.

Claims 2 and 3 recite similar elements to those discussed above with regard to claim 1, and are patentably distinguishable over the current grounds of rejection for similar reasons. Claim 5 is patentably distinguishable over the current grounds of rejection at least by virtue of its dependency from claim 1.

Claims 6 and 7 each recite different procedures that are employed when there is no channel information for the main and/or sub-channel. As discussed above, Kessler discloses that tuning fails when information is not stored in the database, and Ikeguchi does not disclose what occurs when information is not

² Column 7, lines 23-27.

stored in the memory. Eyer does not remedy these deficiencies of Kessler and Ikeguchi. Thus, the combination of Kessler, Ikeguchi and Eyer does not disclose or suggest the various procedures recited in claims 6 and 7. Claim 8 is patentably distinguishable over the current grounds of rejection at least by virtue of its dependency from claim 6.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 1-3 and 6-8 be withdrawn.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010482.50895).

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Stephen W. Palan', is written over a horizontal line.

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